

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TIMOTHY MILLER	]	
Petitioner,	]	
	]	
v.	]	No. 3:11-0205
	]	JUDGE HAYNES
JENNIE L. JOBE, WARDEN	]	
Respondent.	]	

O R D E R

The Court has before it a *pro se* prisoner petition (Docket Entry No.1) under 28 U.S.C. § 2254, for writ of habeas corpus, and an application to proceed *in forma pauperis* (Docket Entry No.2).

The application shows that the Petitioner lacks sufficient financial resources to pay for the filing of the petition. Therefore, the Clerk is directed to file the petition *in forma pauperis*. 28 U.S.C. § 1915(a).

Petitioner is an inmate at the Deberry Special Needs Facility in Nashville. He brings this action against Jennie Jobe, Warden of the prison, challenging the legality of a conviction entered against him in Shelby County.<sup>1</sup>

Under 28 U.S.C. § 2241(d), a habeas Petitioner may file in either the judicial district where the Petitioner was convicted or

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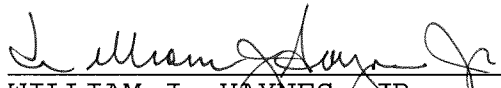
<sup>1</sup> Shelby County lies within the Western Division of the Western District of Tennessee. 28 U.S.C. § 123(c)(2).

the judicial district where he is currently incarcerated. Therefore, venue for this action is proper in both the Western and Middle Districts of Tennessee. However, a Petitioner's place of confinement may change from time to time while the district of his conviction will remain constant. For this reason, it has been the consistent practice in the federal courts of Tennessee to transfer habeas petitions to the judicial district in which the convicting court is located.

In this case, it appears that the Western District is the situs of the Petitioner's conviction. Accordingly, the Clerk will **TRANSFER** this action to the United States District Court for the Western District of Tennessee, Western Division at Memphis, Tennessee. 28 U.S.C. § 1404(a).

It is so **ORDERED**.

**ENTERED** this the 8<sup>th</sup> day of March, 2011.

  
WILLIAM J. HAYNES, JR.  
United States District Judge